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| FORM PTO-1390 (REV. 01-2003) | | US DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE | ATTORNEY'S DOCKET NUMBER 124628 |
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | U.S. APPLICATION NO. (If known, see 37 CFR 1.5) New U.S. National Stage of PCT/JP04/00611 10/541453 | |
| INTERNATIONAL APPLICATION NO. PCT/JP04/000611 | INTERNATIONAL FILING DATE January 23, 2004 | PRIORITY DATE CLAIMED January 27, 2003 | |
| TITLE OF INVENTION CONTROL APPARATUS OF INTERNAL COMBUSTION ENGINE | | | |
| APPLICANTS FOR DO/EO/US Kenji KATAOKA; Yasushi KUSAKA; Hiroki TASAKI | | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | | |
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). c. <input checked="" type="checkbox"/> The International Application was filed in English. 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input checked="" type="checkbox"/> A submission of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). | | | |
| Items 11 to 20 below concern document(s) or information included: | | | |
| <ol style="list-style-type: none"> 11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input type="checkbox"/> Other items or information: | | | |

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| U.S. APPLICATION NO. (If known, see 37 CFR 1.53) New U.S. National Stage of PCT/JP04/000611 16841453 | | INTERNATIONAL APPLICATION NO. PCT/JP04/000611 | | ATTORNEY'S DOCKET NUMBER 124628 | |
| 21. <input checked="" type="checkbox"/> The following fees are submitted: | | | | CALCULATIONS PTO USE ONLY | |
| | | | | | |
| BASIC NATIONAL FEE (37 CFR 1.492(a)): \$ 300.00 | | | | \$300.00 | |
| SEARCH FEE (37 CFR 1.492(b)(1)-(3)): | | | | \$400.00 | |
| International preliminary examination report or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national stage \$ 0.00 | | | | | |
| International search fee (37 CFR 1.445(a)(2)) paid to USPTO as ISA \$ 100.00 | | | | | |
| International search report provided to USPTO no later than the time at which the search fee is paid \$ 400.00 | | | | | |
| All situations not provided for above \$ 500.00 | | | | | |
| EXAMINATION FEE (37 CFR 1.492(c)(1)-(2)): | | | | \$200.00 | |
| International preliminary examination report or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national stage \$ 0.00 | | | | | |
| All situations not provided for above \$ 200.00 | | | | | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | | | | \$ | |
| TOTAL PAGES OF APPLICATION OVER 100 (0 - 100) | 0 ÷ 50 | = 10 | x 250 = | \$0 | |
| †round up to next integer | | | | | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | \$ | |
| TOTAL CLAIMS | 19- 20 | = 0 | x 50.00 = | \$0 | |
| INDEPENDENT CLAIMS | 1- 3 | = 0 | x 200.00 = | \$0 | |
| MULTIPLE DEPENDENT CLAIM(S)(if applicable) | | | | + 360.00 = | \$ |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$900.00 | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½ . | | | | \$ | |
| SUBTOTAL = | | | | \$900.00 | |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | | | \$ | |
| TOTAL NATIONAL FEE = | | | | \$900.00 | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + | | | | \$ | |
| TOTAL FEES ENCLOSED = | | | | \$900.00 | |
| | | | | Amount to be refunded: | \$ |
| | | | | charged: | \$ |
| a. <input checked="" type="checkbox"/> Check No. <u>168450</u> in the amount of <u>\$900.00</u> to cover the above fees is enclosed. | | | | | |
| b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. | | | | | |
| c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>15-0461</u> . A duplicate copy of this sheet is enclosed. | | | | | |
| d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status. | | | | | |
| SEND ALL CORRESPONDENCE TO: OLIFF & BERRIDGE, PLC Customer Number: 25944 | | | | | |
| <p style="text-align: right;">NAME: James A. Oliff REGISTRATION NUMBER: 27,075</p> <p style="text-align: right;">NAME: Joel S. Armstrong REGISTRATION NUMBER: 36,430</p> | | | | | |
| Date <u>July 6, 2005</u> | | | | | |

10/541453

JC14 Reu PCT/PTO 06 JUL 2005

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kenji KATAOKA et al.

Attn: PCT Branch

Application No. New U.S. National Stage of PCT/JP04/000611

Filed: July 6, 2005

Docket No.: 124628

For: CONTROL APPARATUS OF INTERNAL COMBUSTION ENGINE

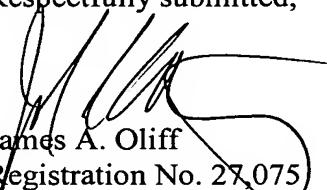
**SUBMISSION OF THE ANNEXES TO THE
INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached hereto is a submission of the annexes to the International Preliminary Examination Report (Form PCT/IPEA/409). The attached translated material replaces claim 1.

Respectfully submitted,


James A. Oliff
Registration No. 27,075

Joel S. Armstrong
Registration No. 36,430

JAO:JSA/mps

Date: July 6, 2005

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DEPOSIT ACCOUNT USE
AUTHORIZATION
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461